

The Office Action rejects claims 1-7 and 15-21 under 35 U.S.C. §103 over Harrisville-Wolff (Wolff) (U.S. Patent No. 6,950,847) in view of Hattori (U.S. Patent No. 5,761,496) and claims 8-14 under 35 U.S.C. §103 over Wolff in view of Hattori and further in view of the Background of the Invention (Background). These rejections are respectfully traversed.

With respect to claims 1-7 and 16-21, the Office Action admits that Wolff did not disclose or suggest retrieval result judgment means (or retrieval results judgment step recited in claims 16), but asserts that Hattori supplied the subject matter missing in Wolff. Thus, the Office Action concludes that one of ordinary skill in the art would have been motivated to combine Wolff with Hattori. However, Wolff and Hattori were directed to completely different subject matter. Thus, one of ordinary skill in the art would not have been motivated to combine Wolff and Hattori. Even if combined, Wolff and Hattori would not have rendered obvious the retrieval result judgment means recited in claims 1, 8 and 16.

Wolff was directed to distributing software packages, applications and/or services in a distributed computer network to provide services for client computer systems. Wolff received client subscription requests and responded by delivering up-to-date versions of services such as patches operating systems, software upgrades, training or other services. See C8/L8-20. In particular, Wolff received a client request or a subscription and responded to the client request by providing listing of matching services which may then be provided to the client for selection. Upon selection, Wolff operated a service deployment mechanism to deliver executable code to the requesting client system so that the client system may execute the executable code to provide the deliverable service. See C4/L16-40. Thus, in Wolff, the client request or subscription was correctly expressed and thus did not need to be readjusted or improved via an interactive process. Wolff's system provided a listing of matching services which may then be provided to the client for selection.

In contrast, Hattori was directed to an information retrieval system that permitted users to retrieve information from databases. See C1/L5-13. The portions cited by the Office Action (C7/L25-35) disclosed well-known problems related to information retrieval such as the difficulty of a user to express keywords and/or retrieval conditions so that the desired information may be retrieved. Thus, a user often made interactive information retrievals, made judgment on the retrieved result, and readjusted the keywords or retrieval conditions so that better results may be obtained.

In view of the above and using the language in Wolff, Hattori was directed to modifying the client retrieval requests to obtain better retrieval results. Wolff was NOT related to modifying client requests. Client requests were well-defined and known and did NOT need modification. Thus, if Wolff is combined with Hattori, the client requests would have been modified to obtain different retrieval results which leads to a nonsensical result and is inoperative for the intended purposes of Wolff. Thus, one of ordinary skill in the art would not have been motivated to combine Wolff with Hattori.

The Office Action is engaging in impermissible hindsight reconstruction picking and choosing various words from references to piece together a wording that appears to match the recited claim language. Thus, the Office Action has failed to make out a *prima facie* case of obviousness.

In view of the above, Wolff and Hattori individually or in combination would not have suggested or rendered obvious the subject matter recited in claims 1-7 and 16-21.

Regarding claim 15, the Office Action admits that Wolff did not disclose or suggest the recited selection means, but asserts that Hattori disclosed such a feature. However, as discussed above, Wolff and Hattori are directed to completely different subject matter. In particular, Hattori's retrieval request input selection was directed to adjusting search requests. The client request disclosed in Wolff did NOT need adjusting. As discussed above,

modifying Wolff with Hattori would have rendered the resulting combination inoperative for its intended purpose. Thus, one of ordinary skill in the art would not have been motivated to combine Wolff with Hattori. Accordingly, Wolff and Hattori individually or in combination would not have rendered obvious the subject matter recited in claim 15.

In view of the above, Wolff and Hattori individually or in combination would not have rendered obvious the subject matter recited in claims 1-7 and 15-21. Withdrawal of the rejection of claims 1-7 and 15-21 under 35 U.S.C. §103 is respectfully solicited.

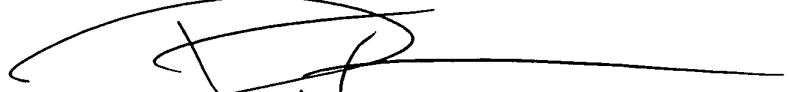
The Office Action further rejects claims 8-14 under 35 U.S.C. §103 over Wolff in view of Hattori and further in view of the Background. This rejection is respectfully traversed.

As discussed above in connection with claims 1-7 and 15-21, one of ordinary skill in the art would not have been motivated to combine Wolff with Hattori because such combination would have been inoperative for its intended purpose. The Background would not have remedied in any way this inoperativeness. Accordingly, Wolff in view of Hattori and further in view of the Background would not have rendered obvious the subject matter recited in claims 8-14. In particular, Wolff in view of Hattori and the Background would not have rendered obvious the retrieved result judgment means recited in claim 8. Withdrawal of the rejection of claims 8-14 under 35 U.S.C. §103 is respectfully solicited.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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